

59. Other offences and penalties therefor.—(1) A person shall be guilty of an electoral offence if at any election, he,—

- (a) fraudulently defaces or fraudulently destroys any nomination paper ; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document, affixed by or under the authority of a returning officers ; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or his in possession of any ballot paper ; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in ; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election ; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing or an such acts.

(2) Any person guilty of an electoral offence under this section shall,—

- (a) if he is the returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or person employed on official duty in connection with

the election, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both ;

- (b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election but the expression "official duty shall not include any duty imposed otherwise than by or under this Act in connection with such election.

(A) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

60. Prosecution regarding certain offences.—No court shall take cognizance of any offence under section 51 or under section 56 or under clause (a) of sub-section (2) of section 59 unless there is a complaint made by order of, or under authority from, such officer as may be prescribed by rules.

61. Power to make rules regulating the election of councillors.—(1) The Government may make rules to provide for or regulate all or any of the following matters for the purpose of holding elections of councillors under this Act, namely :—

- (a) the appointment of a returning officer, assistant returning officers, presiding officers and polling officers for the conduct of elections ;

- (b) the nomination of candidates, form of nomination papers, objections to nominations and scrutiny of nominations ;
- (c) the symbols that may be chosen by candidates representing political parties and other candidates at elections and the restriction to which their choice is subject ;
- (d) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such deposits may be refunded to candidates or forfeited to the corporation ;
- (e) the withdrawal of candidates ;
- (f) the appointment of agents of candidates ;
- (g) the procedure in contested and uncontested elections and the special procedure at elections in divisions where any seat is reserved for the Scheduled Castes or Scheduled Tribes ;
- (h) the date, time and place for poll and other matters relating to the conduct of elections including—
 - (i) the appointment of polling stations for each division,
 - (ii) the hours during which the polling station shall be kept open for the casting of votes,
 - (iii) the printing and issue of ballot papers,
 - (iv) the checking of votes by reference to the electoral roll,
 - (v) the making with indelible ink of the left forefinger or any other finger or limb of the voter and prohibition of the delivery of any ballot paper to any person if at the time such person applies for such paper he has already such mark so as to prevent personation of voters,

- (vi) the manner in which votes are to be given and in particular in the case of illiterate voters or of voters under physical or other disability,
- (vii) procedure to be followed in respect of challenged votes and tendered votes,
- (viii) the security of votes, counting of votes, the declaration and publication of the results and the procedure in case of equality of votes or in the event of a councillor being elected to represent more than one division,
- (ix) the custody and disposal of papers relating to elections,
- (x) the suspension of poll in case of any interruption by riot, violence or any other sufficient cause and the holding of a fresh poll,
- (xi) the holding of a fresh poll in the case of destruction of or tampering with ballot boxes before the count,
- (xii) the countermanding of the poll in the case of the death of a candidate before the poll ;
- (i) the fee to be paid on an election petition ;
- (j) any other matter relating to elections or election disputes in respect of which the Government deems it necessary to make rules under this section.

(2) In making any rule under this section the Government may provide that any contravention thereof shall, on conviction, be punished with fine which may extend to one hundred rupees.

62. Bar or suits relating to elections, etc.—No suit shall be entertained by a civil court in respect of any matter

relating to the election, appointment or removal of councillors, the mayor or deputy mayor, members and chairmen of the standing committees unless such suit is authorised by the provisions of this Act or any rule made under this Act.

63. Power to make rules regarding election of mayor, deputy mayor and members and chairmen of standing committees.—(1) The election of the mayor or the deputy mayor and members and chairmen of standing committees and the determination of disputes relating such election and the filling up of vacancies in the said offices shall be in accordance with such rules as may be prescribed.

(2) Any dispute relating to the validity of the election of mayor or deputy mayor or members or chairmen of the standing committees shall be decided by the District Court having jurisdiction and an appeal shall lie to the High Court from an order of the District Court within a period of thirty days from the date of such order excluding the time required for obtaining a copy of the order :

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

CHAPTER V

POWERS AND FUNCTIONS OF THE CORPORATION AND OTHER AUTHORITIES

64. General powers of the corporation.—(1) Subject to the provisions of this Act, the rules, the regulations and the bye-laws made thereunder, the municipal government of the city shall vest in the corporation..

(2) Without prejudice to the generality of the provisions of sub-section (1), it shall be the duty of the corporation to exercise such powers, perform such functions and discharge such duties as are conferred on it by and under this Act and consider all periodical statements relating to the receipts and disbursements, and all progress reports and pass such resolutions thereon, as it thinks fit.